

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 17-247 (PAM/SER)

Plaintiff,

**ORDER**

v.

1. Diego Alejandro Giron, and

2. Derek Leroy Thielen,

Defendants.

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This matter is before the Court on the Government's Motion for Preliminary Order of Forfeiture. Defendant Diego Alejandro Giron and Defendant Derek Leroy Thielen agreed to forfeit the described property in their plea agreements. (Def. Giron's Plea Agreement (Docket No. 46) ¶ 10; Def. Thielen's Plea Agreement (Docket No. 42) ¶ 10.) And the Government has also submitted the declaration of a special agent who investigated this matter. (Oliveto Decl. (Docket No. 74).) The Government has established the requisite nexus between such property and the offense of which Defendants have been found guilty, and thus the property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The Government's Motion for Preliminary Order of Forfeiture (Docket No. 73) is **GRANTED**;
2. The following property is forfeited to the United States pursuant to 21 U.S.C. § 853(a):

- a. \$11,031 in U.S. Currency seized from Defendant Giron's residence on September 11, 2017,
  - b. an FEG Budapest, PMK-380, .380 caliber pistol, serial number vv 7429, seized from Defendant Giron's residence on September 11, 2017,
  - c. associated .380 caliber ammunition seized from Defendant Giron's residence on September 11, 2017, and
  - d. \$2,666 in U.S. Currency seized from Defendant Thielen's residence on September 11, 2017 (collectively, "the Property");
3. The Attorney General or his authorized designee may seize and maintain custody and control of the Property pending entry of a Final Order of Forfeiture;
4. The United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), publish and give notice of this Order and its intent to dispose of the Property in such manner as the Attorney General may direct;
5. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture shall become final as to Defendants at the time of sentencing, and shall be made a part of their sentences and included in the judgments;
6. Following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United

States shall have clear title to the Property and may warrant good title to any subsequent purchaser or transferee; and

7. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

Dated: July 16, 2018

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge